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**STATE MENTAL HEALTH, MENTAL RETARDATION  
AND SUBSTANCE ABUSE SERVICES BOARD**

**April 1, 2008  
Crowne Plaza West  
Richmond, Virginia**

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**Members Present:** Victoria H. Cochran, **Chair**; Daniel E. Karnes, **Vice Chair**; Linda S. Bartlett; Cheryl Ivey Green; Catherine M. Hudgins; Mary J. McQuown; Ananda K. Pandurangi and Kathryn A. Smith

**Members Absent:** Ruth G. Jarvis

**Staff:** Wendy Brown, Policy Analyst, Office of Planning & Development  
Jewel Crosby, Executive Secretary, State Board  
Charline Davidson, Director, Office of Planning & Development  
Meghan McGuire, Communications Manager, Office of Legislation & Public Relations  
Ray Ratke, Chief/Deputy Commissioner, Office of the Commissioner  
Ruth Anne Walker, Legislation Manager, Office of Legislation & Public Relations

**Others:** Jennifer Faison, Public Policy Manager, VACSB  
Ray Gudum, Chairman, VACSB  
Jane Hickey, Senior Assistant Attorney General Chief, Office of the Attorney General  
Cal Whitehead, Psychiatric Society of Virginia

**Call to Order:** Victoria Cochran, Chair, called the meeting to order at 9:13 a.m. Ms. Cochran welcomed Mr. Cal Whitehead representing the Psychiatric Society of Virginia. Mr. Whitehead commended the Department and staff for the work done during the 2008 General Assembly session. He thanked the Office of the Attorney General for their work during the session. A call for introductions of attendees took place prior to proceeding.

**Agenda:** *Upon a motion by Daniel Karnes and seconded by Cheryl Ivey Green, the Board unanimously approved the April 1, 2008 agenda as presented. 8-yes; 0-No.*

**Minutes:** *Upon a motion by Mary McQuown and seconded by Linda Bartlett, the Board voted to approved the January 15, 2008 minutes as corrected. 7-yes; 1-abstain (Catherine Hudgins).*

**Public Comments:** Written comments were submitted and shared with the Board. (Comments attached)

**Staff Updates:** Jewel Crosby conveyed the amendment to the current Board By-Laws under Article 9- Board Evaluation, Section (a): stating the Board shall conduct an annual evaluation of its performance during the Board's annual retreat with the process and outcomes noted in the minutes of that meeting and included as part of the Board's Annual Executive Summary.

*Upon a motion by Cheryl Ivey Green and seconded by Kathryn Smith the Board unanimously adopted the By-Law amendment as presented. 8-yes; 0-No.*

Ruth Anne Walker, Legislation Manager, distributed copies of the draft Final Legislative and Budget Report and presented an overview of the 2008 General Assembly Session, highlighting the key bills tracked by the Department. Summary information was included for the Lead and Secondary list bills that passed during the session.

Ms. Walker announced to the Board that Jim Martinez, Mental Health Director was nominated for the Governor's Star award in recognition of his many contributions to moving the mental health legislative process forward during the session. Additionally, she mentioned the excellent collaboration of the team of key stakeholders working on the legislative and budget issues raised during the session.

Victoria Cochran commended Ms. Walker and the Department's staff for the work and long hours put into the 2008 General Assembly session.

Kay Smith commended Meghan McGuire for keeping board members abreast of community events as a result of receiving weekly news clips.

**Report of the  
Policy Development  
And Evaluation  
Committee:**

Wendy Brown reported on behalf of the Committee. The Committee met on March 31 at 3:15 p.m. at the Crowne Plaza West. The Committee adopted drafts for field review of Policy #1023 – Workforce and Cultural & Linguistic Competency and Policy 1043 – Disaster and Terrorism Preparedness.

The Committee continued to discuss development of a policy on Interoperability. A draft Interoperability policy will be shared with the committee at their next meeting. The full Board also discussed other ways of improving interoperability.

The committee suggested initiating a practice of mailing board packets to key agency heads and for the first mailing, to include a letter inviting them to present to the State Board on overlapping issues.

As a result of a lengthy discussion, Ms. Cochran recommended developing an ad hoc subcommittee to examine interoperability issues and begin to formulate ways to provide education and outreach to other Health and Human Services agency stakeholders. Ms. Cochran, Catherine Hudgins and Dr. Pandurangi agreed to serve on the committee.

Ms. Brown shared copies of the status and pending action report on the Board's Regulations. (See Attached)

Ms. Brown requested Board action to initiate the periodic review of the current Regulations to Assure the Protection of Subjects in Human Research. (12 VAC 35-180-10 et seq).

*Upon a motion by Catherine Hudgins and seconded by Kay Smith the Board unanimously approve to initiate periodic review of the current Regulations to Assure the Protections of Subjects in Human Research. 8-yes; 0- No.*

#### **Report of the Planning and**

**Budget Committee:** Charline Davidson reported on behalf of the Committee. The Committee met on March 31 at 2:00 p.m. at the Crowne Plaza West. Joy Yeh, Assistant Commissioner, Finance and Administration, shared an overview of the Department's Budget 2008-10 Biennium. Frank Tetrick, Assistant Commissioner, Community Services, presented information on the budget allocation process and guiding principles. There was also discussion around strategies to reduce cost of future State Board meeting. The committee recommended hosting meetings closer to the Richmond area or nearby to allow staff same-day travel without incurring overnight expense. There was a recommendation to reduce the number of meeting to cut expenses. Actions on these issues will be discussed with staff, addressed, and finalized at the May Board meeting.

***The Chair called for a 5-minute break at 10:35 a.m. and reconvened at 10:45 a.m.***

#### **Commissioner Report:**

Ray Ratke reported to the Board in the absence of Commissioner Reinhard. Mr. Ratke reviewed information on the Omnibus Bill (House Bill 499/Senate Bill 246) provided on the Legislative Summary. Mr. Ratke shared specifics of the Omnibus Bill and summarized various changes to the civil commitment process.

He informed the Board that the state budget process is not completed and the Commissioner was meeting with the Senate Finance Committee that day to discuss capital budget issues.

Mr. Ratke echoed the previous commendation noted regarding the staff for their work accomplished during the 2008 legislative session and particularly singled out the work of Ruth Anne Walker, Legislation Manager, for taking the lead to ensure a successful legislative process.

Mr. Ratke highlighted relevant aspects of the Governor and General Assembly's budget. The budget contains funding allocated to outpatient emergency and case management services.

The Department allocated \$1.0 million dollars and \$2.0 million in the second year biennium for psychiatric consultation. The General Assembly eliminated specific targeted allocations and inserted language that required the Department to develop a process to allocate funds as appropriate.

There were additional waiver slots as a result of advocacy by The ARC of Virginia and the VACSB. The Governor's budget included proposed capital improvement to Southeastern Virginia Training Center and Central Virginia Training Center, however, this recommendation did not appear in the legislative budget amendments.

Mr. Ratke updated the Board on the reorganization of Central Office. He shared that the Department is looking to develop a new plan to improve service delivery by using a field-based approach supporting the CSBs and state facilities. The focus will continue to improve the engagement of regional partnerships. Ms. Cochran suggested including in the planning the current Board Liaison structure.

**VACSB Report:**

Ray Gudum, VACSB Chair, introduced VACSB Public Policy Manager, Jennifer Faison to the Board. Mr. Gudum distributed copies of the agenda for the upcoming May 7-9, VACSB conference in Virginia Beach. Board members were encouraged to attend. He also distributed copies of the VACSB highlights from the 2008 General Assembly session.

**Board Liaison  
Report:**

**Linda Bartlett** reported that she received a letter from Eastern State Hospital as a result of the board's liaison assignment letter sent to the CSBs and facilities.

**Catherine Hudgins** shared that she received a letter as result of the liaison assignment and plans to schedule regular meetings. She also reported that she met with staff at George Mason University to discuss mental health and legislative concerns.

**Mary McQuown** shared that she attended the Mental Health Planning Council meeting on February 20 and the Council announced that they had received a grant to study reduction use of seclusion and restraints. She stated that she will be serving on the oversight committee. Ms. McQuown also shared that she attended the System Leadership Council meeting on March 19 and received consumer updates. She shared that the Council is looking to ensure that all stakeholders and consumers have input in determining how to allocate funds received.

**Victoria Cochran** also informed the Board the Mary McQuown assisted in presenting a consumer recovery training workshop for the Southwest CSBs and facilities. In direct response to the liaison letters, Ms. Cochran was invited to attend the training and commended Ms. McQuown for a job well done.

**Dr. Pandurangi** informed the Board that he attended the Psychiatry Society of Virginia meeting and stated that Commissioner Reinhard gave an overview on where the Department is currently. Dr. Pandurangi also mentioned that a presenter took the group through a history of Virginia's mental health policy over the last 50 years.

**Other Business:** The next meeting of the State Board will be held on Tuesday, May 6, 2008 in Williamsburg at Eastern State Hospital.

The meeting adjourned at 11:35 a.m.

**ATTACHMENT**

<b>TO:</b>	<b>DMHRMSAS State Board</b> Victoria Huber Cochran, Chair Daniel E. Karnes, Vice Chair Linda S. Bartlett Cheryl Ivey Green Ruth G. Jarvis Mary J. McQuown; Ananda K. Pandurangi Kathryn A. Smith. Catherine M. Hudgins
<b>FROM:</b>	
<b>DATE:</b>	15 March 2008
<b>SUBJECT</b>	Comments for April 1,2008 DMHMRSAS State Board meeting

I am wondering when someone from DMHMRSAS is going to explain why I was directed to such inappropriate services last year.

I have provided details to employees of DMHMRSAS, but have received no responsible explanation.

In my experience, you have corrective procedures in place. However:

1. The corrective procedures are of no value because they don't work.
2. No one at the highest levels of authority in DMHMRSAS cares whether they work or not.

I notice that quality control is NEVER mentioned at your meetings, even after what happened at Virginia Tech a year ago.

It is obvious from your behavior and the results you achieve that, as a board, you don't care whether anyone lives or dies.

Please respond as a board.

Thank you,

## STATUS AND PENDING ACTION ON BOARD REGULATIONS

VAC Number	Title	Last Update	Periodic Review	Regulations in Process	
				Stage	Time Frame
12 VAC 35-11	<u><i>Public Participation Guidelines</i></u>	Effective July 1, 2003.	Postponed-- pending legislative changes		
12 VAC 35-45	<u><i>Licensing Regs--Children's Residential Services</i></u> Regulations for Providers of Mental Health, Mental Retardation and Substance Abuse Residential Services for Children	Effective August 1, 2003 ■ Amendment for order of summary suspension effective February 22, 2007	Pending amendment per 2008 legislation. Next review now due February, 2011.		
12 VAC 35-105	<u><i>Licensing Regs--Adult Service Providers</i></u> Rules and Regulations for the Licensing of Providers of Mental Health, Mental Retardation, Substance Abuse, the Individual and Family Disabilities Support Waiver, and Brain Injury Services	Effective September 19, 2002 ■ Amendment for IFDDS Waiver services effective September 19, 2003 ■ Amendment for brain injury services effective February 22, 2007 ■ Amendment for opioid services effective July 10, 2007 ■ Amendment for order of summary suspension effective February 20, 2008	Completed February, 2007	■ <u>Proposed</u> regulations in development	■ Target completion May 2008.
12 VAC 35-115	<u><i>Human Rights Regs</i></u> Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation and Substance Abuse Services	Board adopted final revised regulations on May 4, 2007.	Completed September, 2004	■ <u>Final</u>	■ Effective September 19, 2007
12 VAC 35-180	<u><i>Human Research Regs</i></u> Regulations to Assure the Protection of Participants in Human Research	Amended effective February 11, 2004.	Pending 2008		
12 VAC 35-190	<u><i>MR Voluntary Admission Regs</i></u> Regulations Establishing Procedures for Voluntarily Admitting Persons Who are Mentally Retarded to State Mental Retardation Facilities	Amended effective January 15, 2003	Completed August, 2006	■ <u>Proposed</u>	■ Submitted for Executive Branch Review---December, 17 2007
12 VAC 35-200	<u><i>MR Respite Care Admission Regs</i></u> Regulations for Respite and Emergency Care Admissions to Mental Retardation Facilities	Amended effective May 22, 2002	Completed August, 2006	■ <u>Proposed</u>	■ Submitted for Executive Branch Review---September 14, 2007
12 VAC 35-210	<u><i>Temporary Leave Regs</i></u> Regulations to Govern Temporary Leave From State Mental Health and Mental Retardation Facilities	New regulation. (NOIRA published October 18, 2004)	Next review due July, 2011	■ <u>Final</u>	■ Effective July 25, 2007